

**FILED**

DEC 12 2012

Board of Vocational Nursing  
and Psychiatric Technicians

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
State Bar No. 101336  
AMANDA DODDS  
Senior Legal Analyst  
110 West "A" Street, Suite 1100  
San Diego, CA 92101  
P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-2141  
Facsimile: (619) 645-2061  
*Attorneys for Complainant*

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2011-4274

**VERNA DEANN MCCLAIN**  
**4603 Seminole Drive**  
**San Diego, CA 92115**

**A C C U S A T I O N**

**Vocational Nurse License No. VN 235911**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about July 24, 2008, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 235911 to Verna Deann McClain (Respondent). The Vocational Nurse License expired on June 30, 2012, and has not been renewed.

///

///

## JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 of the Vocational Nursing Practice Act.

5. Section 118, subdivision (b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

## STATUTORY PROVISIONS

6. Section 2878.8 of the Code states:

The board may deny any application or may suspend or revoke any license issued under this chapter [the Vocational Nursing Practice Act] based upon the denial of licensure, suspension, restriction, or other disciplinary action of a license by another state, any other government agency, or by another California health care professional licensing board. A certified copy of the finding shall be conclusive evidence of that action provided that, if from another state, the findings establish an act which if committed in California would be grounds for discipline.

## COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

///

///

///

1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline of Nursing License)**

3 8. Respondent has subjected her vocational nurse license to disciplinary action under  
4 section 2878.8 of the Code in that she was the subject of an administrative action against her  
5 vocational nurse license in Texas. The circumstances are as follows:

6 a. On or about April 20, 2012, the Texas Board of Nursing (Texas Board) filed  
7 formal charges against Respondent's vocational nurse license number 231365 as a result of  
8 Respondent's indictment for capital murder following her arrest for shooting a woman and  
9 stealing her newborn baby outside of a Houston pediatrician's office on April 17, 2012.  
10 Respondent admitted to law enforcement officials that she had committed the acts.

11 b. The Texas Board found that Respondent's conduct constituted grounds for  
12 disciplinary action in accordance with Texas Occupations Code section 301.452, subdivision  
13 (b)(10), "unprofessional or dishonorable conduct that, in the board's opinion, is likely to deceive,  
14 defraud, or injure a patient or the public." Respondent's actions also violated Texas  
15 Administrative Code, title 22, sections 217.12, subdivision (6)(c), "Misconduct -- actions or  
16 conduct that include, but are not limited to: Causing or permitting physical, emotional or verbal  
17 abuse or injury or neglect to the client or the public, or failing to report same to the employer,  
18 appropriate legal authority and/or licensing board;" and subdivision (13) "Criminal Conduct--  
19 including, but not limited to, conviction or probation, with or without an adjudication of guilt, or  
20 receipt of a judicial order involving a crime or criminal behavior or conduct that could affect the  
21 practice of nursing."

22 c. On or about June 12, 2012, the Eligibility and Disciplinary Committee of the  
23 Texas Board concluded that Respondent defaulted after she failed to appear or file a response to  
24 the Formal Charges, and Respondent's vocational nurse license number 231365 was revoked.

25 ///

26 ///

27 ///

28 ///

1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
4 issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 235911, issued to  
6 Verna Deann McClain;

7 2. Ordering Verna Deann McClain to pay the Board of Vocational Nursing and  
8 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
9 pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.  
11  
12

13 DATED: **DEC 12 2012**



14 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
15 Executive Officer  
16 Board of Vocational Nursing and Psychiatric Technicians  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

20 SD2012704028  
21  
22  
23  
24  
25  
26  
27  
28